

REMARKS

Substance of the interview of 26 march 2009

The applicant's undersigned representative met with the Examiner Fayyaz on March 26, 2009. Various modes of overcoming the new matter rejections were discussed including all claims. A manual demonstration of the mounting of the invention in a device that allowed the valves to self actuate was presented. Differences between the invention and the prior art, specifically Welker and Proudman were discussed as well. Specifically the two part nature of the invention as distinct from Welker and the actuation of the valves of the invention by mounting them in an apparatus designed for said purpose were discussed. The unitary nature of Proudman was discussed in contrast to the cap and body construction in the invention. The normally closed valves of the invention that were opened by placing it in an apparatus designed for that purpose this in contrast to Proudman, was discussed. The Examiner suggested that a CIP or removal of the new matter from the specification would be appropriate. Another alternative that was discussed was to return to the original specification and amend the claims to reflect the differences between the invention and the prior art. It appears that the amended specification the Examiner felt added new material was not entered. Thus, the amendments herein are to the last entered specification.

Introduction

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

The examiner's attention afforded this application is gratefully appreciated.

Amendments

The amendment adding disclosure at page 3 (with reference to applicant's priority application as published by WIPO ("the published PCT application")) is supported at least by

page 32 of the certified copy of the priority document (having "III" at the top and starting "Fig. Y is an alternative embodiment..."). That disclosure is, after the first few sentences, generally copied directly into the present specification; applicant proffers to provide a marked-up version of that page of the priority document if the examiner so requests.

Consistent with the addition to page 3, new Fig. 7 on new sheet 4 is submitted; upon entry of this new figure, a formal drawing for same and correction of the existing sheet numbers (as being part of a set of 4 sheets) will be filed. Addition of this figure is supported at least by page 54 of the priority document, which is a perspective view identified as "Fig. 11" and sheet "9/10" [handwritten].

The additional paragraph inserted at page 6 is supported at least at the paragraph bridging pages 13-14, and by the disclosure at pages 23-26, and by the figures appearing at pages 38, 39, 46-48, 54, and 56 of the certified copy of the priority document,

All of these amendments are supported at least by the certified copy of the priority document. Accordingly, no new matter is presented and their entry is urged to be proper.

A closing parenthesis is added at page 6 in the paragraph bridging lines 176 and 183.

Claim 1 has been amended to recite the valves as "self sealing", supported at least by the disclosure at page 3, lines 79-80, of the published PCT application. Fig. 6 depicts the valve in a normally closed "resting" configuration (sentence bridging pages 5 and 6 of the published PCT application). The container is also recited as mountable in a sampling device and the self-sealing valves being opened by such mounting, as described in the aforementioned pages of the certified copy of the priority document.

Claims 2-4 are cancelled.

Claims 5 and 19 has been amended to recite a valve having a (spring-biased) plunger biased normally closed, such as shown in Fig. 6 and described in the accompanying disclosure at the paragraph bridging pages 5 and 6 (of the published PCT application).

Claims 6-8 are cancelled.

Claim 9 recites the open end as defined by a rolled lip (as supported at least by the paragraph bridging pages 3 and 4, and Figs. 1 and 4, of the published PCT application).

Claim 10 is cancelled.

Claims 11 and 12 recite configurations of the partially rolled flange (*e.g.*, page 4, lines 105-110, of the published PCT application).

Claims 13-15 are cancelled.

Claim 16 recites the embodiment depicted in Fig. 4.

Claim 20 adds to claim 19 by requiring two, coaxial valves, as supported at least by the combination of Figs. 1-3 and the accompanying disclosure.

Claim 21 recites the independent opening of the valves (*e.g.*, page 3, lines 76-77, of the published PCT application).

Claims 22-23 are cancelled.

New claims 24 and 25 recite the materials of construction as presently removed from Claim 1.

New claim 26 recites a structure containing a pressurized sample (*e.g.*, priority document at page 32, “When partially rolled flange is then further rolled or crimped, the flange end, is pressed under rolled lip (18) at point (30). This tightly compresses seal (25) allowing cylinder (15) to be so tightly sealed as to allow cylinder (15) to contain compressed gasses or liquids.” (Emphasis added.)).

Accordingly, none of the foregoing amendments presents new matter, and each amendment is supported by the disclosure as existing or as presently amended with support from the certified copy of the priority document. The amendment and/or cancelation of claims resolves the issues raised in paragraphs 3 and 5 of the office action. The issue with the comma to be inserted after “seat” in claim 11 and the spelling correction of “valve” have been remedied by amendment. Therefore, entry of these amendments is believed proper.

Rejections and Objections under 35 U.S.C. §112 and §132

All of the objections and rejections to the previous amendments are believed to have been addressed by the present amendment. It is the undersigned’s understanding that the specification was unamended from the original filing (the previous amendment to the specification not having been entered), and so the present amendment is based on that specification. It is the

undersigned's understanding that the previous claim amendments were entered. If either of these understandings is erroneous, please advise so that amendments can be submitted properly.

Rejection under §102(e) over Welker

In connection with the rejection of previous claims 1-16 and 18 under 35 U.S.C. §102(e) over Welker as set forth in the communication mailed 2007-07-02, such rejection is respectfully traversed.

As presently amended, sole independent claim 1 requires a two-part container fashioned from a body and an end cap, while Welker shows a unitary construction. Applicant's device has normally closed (self sealing) valves while Welker describes only valves that are manually operable "for selectively permitting and preventing the flow of fluid" (col. 2, [0014]), not valves that are opened "by mounting" the container in the apparatus.

Claim 5 recites a spring-loaded plunger, while Welker mentions "a wave disc spring (51)" that acts as a spacer ([0020]), though the disc does not appear to be identified in any of the drawings (it appearing that none has a reference number "51").

With reference to applicant's other dependent claims, Welker does not disclose anything regarding the rolled lip, partially rolled flange, widened lip, or spring-loaded plunger.

Accordingly, all rejections under 35 U.S.C. §102(e) over Welker should now be withdrawn.

Rejections under §102(b) over Proudman

The rejection of previous claims 1-9 as anticipated by Proudman (*et al.*) is respectfully traversed.

Proudman fails to describe a cap inserted into an open end of a container, the cap having an aperture, and a valve disposed across that aperture. If the frame 20 is alleged to be equivalent to the cap, there is no valve in the aperture in the head 25 nor, clearly, in the "openings 26."

Like Welker, Proudman also fails to disclose a device in which normally closed valves are opened by mounting the device in a sample-taking apparatus.

According, all of the rejections under 35 U.S.C. §102(b) over Proudman should now be withdrawn.

Applicant would note that the claimed invention would not have been obvious in view of Proudman, Welker, or a combination, if such a combination were alleged.

First, Proudman is believed to be essentially inoperative by basic mechanics. As shown, the valves of Proudman are biased normally closed by springs engaged between the valve and the frame head to urge the valve into the seat. Accordingly, some force must be applied to the frame head to oppose and thereby compress the spring in order for the valves to open. Yet Proudman's device is for sampling receptacles such as storage and sewage tanks (page 1, first two paragraphs), so it is merely thrown in and will not work absent the applicant of a force on the frame (12) or casing (10) counteracting the force of the person pulling in the rope (41) in order to open the valves. (This appears to be acknowledged in the description of Fig. 2 (paragraph bridging pages 2 and 3).)

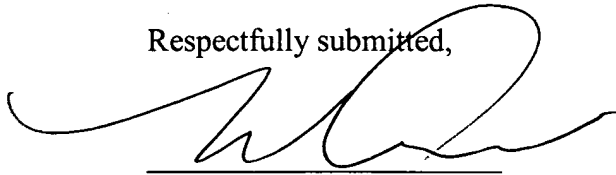
Second, as mentioned, Proudman is directed to sampling a standing fluid, and not for in-line sampling as in Welker and the present invention. Accordingly, Proudman cannot be properly combined with Welker because the device is not mounted to anything; it is left to sink, supported only by a rope. Welker's device has separate ports for mounting the apparatus in the sampling unit and for the manually-operated valves controlling flow through those ports. Accordingly, Welker has no need for valves biased in any particular direction: the operator mounts and dismounts the cylinder independently of opening and closing each valve. In fact, Welker appears to teach away from the present invention, noting that, when using thin-walled containers as applicant has done, "there were no known design options for attaching valve components and other devices as complete units to the cylinder other than through in-line attachment." ([0005]; underline added.) Accordingly, Welker explicitly teaches away from the in-line attachment structure recited in applicant's claims.

Conclusion

The foregoing amendments are supported by the application as originally filed and/or by the certified copy of the priority document, and so do not introduce new matter. The

amendments to the claims obviate the previous objections and rejections to the claims. The present claims recite structure patentably distinct from that shown in the cited references, and the references teach away from the claimed invention and from each other. Accordingly, withdrawal of all of the rejections, and further and favorable action, in the form of a notice of allowance, are believed to be next in order, and such actions are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael L. Antoline', written over a horizontal line.

Michael L. Antoline
Reg. No. 40,488